

Assembly Bill No. 966

Passed the Assembly August 31, 2006

Chief Clerk of the Assembly

Passed the Senate August 23, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 13274.3 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 966, Saldana. Water quality: California-Baja California border region.

Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of waste in accordance with the federal national pollutant discharge elimination system (NPDES) permit program established by the federal Clean Water Act and the Porter-Cologne Water Quality Control Act (act).

Existing law establishes the California Environmental Protection Agency (California EPA), under the supervision of the Secretary for Environmental Protection. Existing law establishes the California Border Environmental and Public Health Protection Fund and makes money in that fund available, upon appropriation or as otherwise made available from contributions or donations from nonstate sources, to the Secretary for Environmental Protection to assist local governments in implementation of projects to identify and resolve environmental and public health problems that directly threaten the health or environmental quality of California residents or sensitive natural resources of the California border region, to provide technical assistance, to provide funds for equipment and labor costs associated with emergency abatement of environmental and public health problems imposed on residents of California due to cross-border impacts of pollutants originating from Baja California, and to provide analytical and scientific equipment and services needed by border area public agencies to identify and monitor the sources of environmental and public health threats posed by the cross-border transmission of environmental pollutants and toxics.

This bill would require the California EPA, the state board, the San Diego Regional Water Quality Control Board, and the

Colorado River Basin Regional Water Quality Control Board, to the extent permitted by law, to take all necessary action under the act to establish effective water quality control programs for the California-Baja California border region, as defined; to work, to the extent permitted by law, with appropriate organizations on both sides of the California-Baja California border to establish cooperative water quality monitoring, inspection, and technical assistance programs to protect the environment of the border region; and, to the extent permitted by law, to work with the International Boundary and Water Commission, United States Section (IBWC), to develop feasible mechanisms to permit discharges from Mexico into California surface waters, in accordance with California water quality objectives, as specified. The bill would require those boards to expedite the development of water quality objectives and certain “total maximum daily loads” for surface waters along the border.

The bill would require the California EPA and the state board to facilitate compliance by the IBWC with the act and the federal Clean Water Act in connection with specified plant operations and discharges; to assist, to the extent permitted by law, the IBWC in its efforts to oversee the design, construction, operation, and maintenance of federally funded wastewater projects in Tijuana, Mexico; to expedite the issuance of any necessary waste discharge requirements in accordance with the NPDES permit program; to seek funding from appropriate agencies to carry out the bill’s requirements; and to prepare and submit to the Legislature, on or before January 31, 2007, a description of the resources and the amount of funds necessary to comply with these requirements.

The people of the State of California do enact as follows:

SECTION 1. Section 13274.3 is added to the Water Code, to read:

13274.3. (a) As used in this section, the following terms have the following meanings:

(1) “Boards” means the state board, the San Diego Regional Water Quality Control Board, and the Colorado River Basin Regional Water Quality Control Board.

(2) “Border” means the California-Baja California border.

(3) “Border region” means the area that extends 100 kilometers to the north of the border and 100 kilometers to the south of the border.

(4) “IBWC” means the International Boundary and Water Commission, United States Section.

(b) The California Environmental Protection Agency and the boards, to the extent permitted by law, shall take all necessary action under this division to establish effective water quality control programs for the border region.

(c) The California Environmental Protection Agency and the boards, to the extent permitted by law, shall work with appropriate binational, federal, state, local, and nongovernmental organizations on both sides of the border to establish cooperative water quality monitoring, inspection, and technical assistance programs as needed to protect the environment of the border region.

(d) The boards shall expedite the development of water quality objectives, and total maximum daily loads pursuant to Section 303 (d) of the federal Clean Water Act (33 U.S.C. Sec. 1313(d)), for surface waters along the border.

(e) The California Environmental Protection Agency and the boards, to the extent permitted by law, shall work with the IBWC to develop feasible mechanisms to permit discharges from Mexico into California surface waters, in accordance with California water quality objectives, if these discharges are requested by Mexico.

(f) The California Environmental Protection Agency and the state board shall facilitate compliance by the IBWC with this division and the federal Clean Water Act in connection with its operation of the International Wastewater Treatment Plant in San Diego County and the discharge of waste through the “South Bay Ocean Outfall.”

(g) The California Environmental Protection Agency and the state board, to the extent permitted by law, shall assist the IBWC in its efforts to oversee the design, construction, operation, and maintenance of federally funded wastewater projects in Tijuana, Mexico, and to expedite the issuance of any necessary waste discharge requirements in accordance with the national pollutant discharge elimination system (NPDES) permit program.

(h) The California Environmental Protection Agency and the state board shall seek funding from the United States Environmental Protection Agency, the International Boundary and Water Commission, the Border Environment Cooperation Commission, the North American Development Bank, and other agencies as necessary to carry out this section.

(i) The California Environmental Protection Agency and the state board shall prepare and submit to the Legislature, on or before January 31, 2007, a description of the resources and the amount of funds necessary to comply with this section. The California Environmental Protection Agency and the state board shall include with this description information relating to any action taken pursuant to subdivision (h).

Approved _____, 2006

Governor